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### Remarks

The drawings are objected to as failing to show the "hose connection" feature specified in claim 29. By this amendment, claim 29 is canceled. Reconsideration is requested.

Claims 1-10, 12-13, 16-25, 27-28, 30, and 32-38 are pending. Claims 1, 2, 5, 9, 10, 17, and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,540,284 to Esposito ("Esposito"). Claims 1, 3, 4, 16, 19, 24, 25, and 27-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Patent Publication No. US2002/0179307 to Schmidt et al. ("Schmidt"). Claims 6-8 and 34-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Esposito in view of U.S. Patent No. 4,882,956 to Lang ("Lang"). Claims 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Esposito in view of U.S. Patent No. 5,301,756 to Relyea ("Relyea"). Claims 20-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt in view of U.S. Patent No. 5,525,716 to Mitchell ("Mitchell"). Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt in view of U.S. Patent No. 5,301,756 to Relyea. Claims 32-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Esposito in view Lang and Relyea. By this amendment, independent claims 1, 6, 25, and 32 are amended. Dependent claim 12 and 13 are amended to change their dependencies. Claims 11 and 26 are canceled. Claim 38 is added to more particularly claim the invention.

Independent claims 1, 6, 25, and 32 are amended to recite that the apparatuses, as claimed, include a stop that is positioned along the second member at a distance from the first member that is the same as the distance by which the hand guard extends from

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the first member. The cited references do not teach or suggest such a location of the stop. Support for these amendments are found, for example in Figures 1 and 2, which show that the stop and hand guard extend outward from the first member by the same distance. In use, the tip pierces the wall, roof, or other surface until reaching the stop. When the stop is reached and the stop plate is generally parallel to the surface, the hand guard also contacts the surface because the stop plate is generally parallel to the first member and both the stop plate and the hand guard extend from the first member by the same distance. In this position, the first member is generally parallel to the surface. Because the hand guard includes a generally flat mid-portion (see Figure 1), the apparatus may rest against the surface on the stop plate and the hand guard in a generally stable position. The apparatus may be positioned in a surface and may be left unattended to disperse water without requiring a person to hold the apparatus in place. The cited references do not teach or suggest any relationship between the hand guard and the stop plate in terms of their relative positions from the first member. As amended claims 1, 6, 25, and 32 are allowable. All remaining claims depend from claims 1, 6, 25, or 32 and for this reason and the other limitations they recite are also allowable. Reconsideration is requested.

#### **Conclusion**

In view of the above amendments and remarks, applicant submits that this application is in a condition for allowance. Applicant does not believe that this amendment generates any additional claim fees. The office is hereby authorized to charge the undersigned's deposit account no. 08-2623 for the RCE fee, any extension

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fees, and any other fees associated with this matter. Reconsideration and allowance of claims 1-10, 12-13, 16-25, 27-28, 30, and 32-38 is requested.

Respectfully submitted,

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